IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

SOPHIA VAZQUEZ,   Civil Action File No.
                                               5:21-CV-00098-MTT

        Plaintiff,

v.

WAL-MART INC. AND JOHN DOES 1-5,

        Defendants.

                                    /

ANSWER OF DEFENDANT WAL-MART INC.

COMES NOW, Defendant WAL-MART INC. (erroneously named) and

makes this Answer to Plaintiff's Complaint as follows:

FIRST DEFENSE

Wal-Mart Inc. is not the proper defendant.

SECOND DEFENSE

Jurisdiction is not proper as to Wal-Mart Inc.

THIRD DEFENSE

Venue is not proper as to Wal-Mart Inc.

FOURTH DEFENSE

Plaintiff has failed to join an indispensable party.

FIFTH DEFENSE

Plaintiff's Complaint fails to state a claim against Defendant upon which relief can be granted.

SIXTH DEFENSE

Plaintiff's alleged damages, if any, were directly and proximately caused by Plaintiff's own contributory negligence and failure to exercise ordinary care.

SEVENTH DEFENSE

Plaintiff was not in the exercise of ordinary care for her own safety in the premises, and by the exercise of ordinary care could have avoided any injury to herself; and on account thereof, Plaintiff is not entitled to recover from Defendant.

EIGHTH DEFENSE

Defendant denies that it was negligent in any manner whatsoever or that any negligent act or omission on its part caused or contributed to any injury or damage alleged to have been sustained by Plaintiff.

NINTH DEFENSE

Plaintiff assumed the risk of any hazard that was presented and is thereby barred from recovering against Defendant.

TENTH DEFENSE

This action is improperly brought in the name of a minor.

ELEVENTH DEFENSE

Defendant responds to the enumerated paragraphs of Plaintiff's Complaint as follows:

1.

Defendant lacks sufficient knowledge and information to either admit or deny the allegations contained in paragraph 1 of Plaintiff's Complaint.

2.

Defendant admits the allegations contained in paragraph 2 of the Plaintiff's Complaint.

3.

Defendant denies the allegations contained in paragraph 3 of the Plaintiff's Complaint and shows that Wal-Mart Inc. is not the proper Defendant.

4.

Defendant denies the allegations contained in paragraph 4 of the Plaintiff's Complaint.

5.

Defendant denies the allegations contained in paragraph 5 of the Plaintiff's Complaint.

6.

Defendant denies the allegations contained in paragraph 6 of the Plaintiff's Complaint.

7.

Defendant denies the allegations contained in paragraph 7 of the Plaintiff's Complaint, including subparagraphs (a), (b), (h) and (i) thereof.

8.

Defendant denies the allegations contained in paragraph 8 of the Plaintiff's Complaint.

9.

Defendant denies the allegations contained in paragraph 9 of the Plaintiff's Complaint, including subparagraphs (a), (b), (c) and (d) thereof.

10.

Defendant denies the allegations contained in paragraph 10 of the Plaintiff's Complaint.

11.

Defendant denies the allegations contained in paragraph 11 of the Plaintiff's Complaint.

12.

All other allegations contained in the Complaint which are not specifically responded to herein, are, therefore, denied.

13.

Defendant denies Plaintiff's prayer for relief, including subparagraphs (a), (b), (c), (d), (e), (f), and (g) thereof.

WHEREFORE, Defendant prays that Plaintiff's Complaint be dismissed with prejudice with all costs cast upon the Plaintiff.   DEFENDANT DEMANDS TRIAL BY A JURY OF TWELVE (12) PERSONS AS TO ALL ISSUES SO TRIABLE.

McLAIN & MERRITT, P.C.

/s/ Ernest L.Beaton, IV
GA Bar No. 213044
Attorney for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing ANSWER OF

DEFENDANT WAL-MART INC. this day been filed and served upon opposing

counsel via email via the Court's ECF filing system.

This the ___22nd___ day of April, 2021.

McLAIN & MERRITT, P.C.

/s/ Ernest L.Beaton, IV
GA Bar No. 213044
Attorney for Defendant

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